

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

July 25, 2011

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **July 25, 2011**, at 8:19 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; Ms. Elizabeth Cannon, Assistant County Attorney; and Ms. Catherine Windham, Interim Clerk of Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Public Hearing for Bills Numbered 11-05 thru 11-19 and a Regular Meeting of Council held June 27, 2011.

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Public Discussion commenced at 8:20 p.m.

Chairman Daniel Davis: "Jeff Reuer?"

Mr. Reuer: "Jeff Reuer, 100 Mepkin Drive, Summerville, SC. Supervisor Davis, Councilmen, thanks for letting me speak. I was gonna talk about the First Reading or Ordinance 96-1-2, but now I understand that we've already had that back in October. Are we having the Second Reading tonight, or is that just?"

Chairman Daniel Davis: “No; we need to finish it. It will be back, maybe, next month, but it’s not ready to...”

Mr. Reuer: “I have my notes from the October 20th meeting, and Mr. Fish was told then that he would have the numbers he requested before the Second Reading. I just wanted to make sure that happens.”

Chairman Daniel Davis: “And, we will do that.”

Mr. Reuer: “Thank you.”

Chairman Daniel Davis: “Linda Riney?”

Ms. Riney: “Good evening; my name is Linda Riney, and I live on Highway 311 in Cross, and I was, like Mr. Reuer, gonna comment on that other item, but it’s been taken off. The other thing I wanted to comment on – I notice there’s a resolution on the agenda commending the service of Barbara Austin as Clerk of Council. I was absolutely astonished and amazed that certain Members of Council, and I think you know who I’m talking too, would put their name on such a resolution after subjecting that beautiful, wonderful, Christian, loving woman to the abuse, both emotional and verbal, that she suffered before and after she retired. I am just absolutely heart-broken that anyone would do to that wonderful lady the things that was done to her before she left here. And, I know that you know who I’m talkin too. And, I know that you’re not ashamed, but I want you to know for all the good it does, I am ashamed of you.”

Chairman Daniel Davis: “George Metts?”

Mr. Metts: “Good evening, Council. I’m George T. Metts from 512 Division Street, here in Moncks Corner, and I want to speak about the First Reading, Number Two item, Bill No. 11-28, about the Stormwater Management Utility or Management Program. I think it’s been widely publicized that we’re gonna be charged the fee for Stormwater Management out in the County. There was a meeting last Tuesday. I was unable to attend. Several citizens with staff from the County, and with those fees pulling in about 1.4 million dollars of revenue, and I don’t know if any of you have read the 81 pages plus of the draft permit. I’ve read a good bit of it, and I continue to read it, and I hope you will read it thoroughly, and not pull a Pelosi and read, and let’s say pass it, and we’ll find out what’s in it later. But, the staff indicated, apparently, you need no new facilities, no new employees. And, apparently, the only additional task from this Stormwater Management is to take water samples in our rivers and streams periodically. That’s a lot of money, so I hope you consider those factors, read the material carefully, and make the right decision. As it stands, I will let you know publicly, I’ll be working hard if it passes with no more clarification than we have, that if my tax bill comes in with \$36 for me, I’ll gladly pay my taxes, but I’ll deduct \$36, and you’ll have to figure out what to do with me. And, I’ll be rounding up hundreds of others to do likewise. So, please read the material. I think you’re violating already Section 4.2.2, because there’s an extreme amount of education you need to do with the public, the citizens and the businesses concerning this program, and I don’t know how

your gonna correctly get it done between now and getting it on my tax bill here in October. Thank you very much.”

Chairman Daniel Davis: “Neil Robinson?”

Ms. Ewing: “Mr. Supervisor, Neil had to leave.”

Chairman Daniel Davis: “Alright; Terry Hardesty?”

Mr. Hardesty: “Terry Hardesty, 325 West Main Street, Moncks Corner. Since I seem to be able to enlist a lot of discussion about how we handle our fees and whether they’re legal or not, the resolution that you passed to alter the fees for fee-in-lieu and how they’re divided seems to override an ordinance. I’m not sure how a resolution overrides an ordinance. Since you haven’t rescinded the ordinance that dictates the split in fee-of-lieu with the taxing authorities, I think, you need to go back and look, and pay the district back the money you owe them. Thank you.”

Chairman Daniel Davis: “Ok; anyone else wishes to address Council?”

Public Discussion concluded at 8:26 p.m.

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

“BILL NO. 11-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-01-008, #242-00-01-066 AND #242-00-01-094.”

(Cypress Village, LLC, and Worley Investments, LLC)

It was moved by Council Member Farley and seconded by Council Member Fish to approve Bill No. 11-20 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-07-20 is attached to these minutes.)

“BILL NO. 11-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #232-16-01-001, #232-16-01-004, #232-16-01-005, #232-16-01-006, #232-16-01-007, #232-16-01-008 AND #232-16-01-009.”

(Dean Hensley)

Bill No. 11-21 was pulled and not given Third Reading this night.

“BILL NO. 11-22, AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO BERKELEY ELECTRIC COOPERATIVE ON A PORTION OF COUNTY PROPERTY KNOWN AS THE BERKELEY COUNTY AIRPORT.”

It was moved by Council Member Callanan and seconded by Council Member Schurlknight to **approve** Bill No. 11-22 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-07-21 is attached to these minutes.)

“BILL NO. 11-23, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND TONMIK IMPORT/EXPORT SOLUTIONS, INC., AND ONE OR MORE AFFILIATED OR RELATED ENTITIES, AS SPONSOR, TO PROVIDE FOR A FEE-IN-LIEU OF TAXES INCENTIVE; TO PROVIDE FOR A SPONSOR AFFILIATE; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS; AND TO ENTER INTO ANY OTHER NECESSARY AGREEMENTS WITH THE SPONSOR AND SPONSOR AFFILIATE TO EFFECT THE INTENT OF THIS ORDINANCE; AND OTHER RELATED MATTERS.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve** Bill No. 11-23 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-07-22 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

“BILL NO. 11-24, AN ORDINANCE TO AUTHORIZE THE COUNTY SUPERVISOR TO EXECUTE A QUIT CLAIM DEED FROM BERKELEY COUNTY TO FOSTER CREEK VILLAGE, LLC, FOR THE PROPERTY HEREIN DESCRIBED AS A PORTION OF FOSTER CREEK ROAD.”

“BILL NO. 11-26, AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND PEGASUS STEEL, LLC, DYNAMIC SOLUTIONS, LLC, AND ALTON PROPERTY MANAGEMENT GROUP, LLC; AND MATTERS RELATING THERETO.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve** Bills Numbered 11-24 and 11-26 for Second Reading. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

FIRST READING:

“BILL NO. 11-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #184-00-00-072.”
(Ocie Wright)

“BILL NO. 11-28, AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY FOR THE PURPOSE OF IMPLEMENTING THE **BERKELEY COUNTY STORMWATER MANAGEMENT PROGRAM AND SATISFYING THE REGULATORY REQUIREMENTS OF THE STATE OF SOUTH CAROLINA NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS; PLANNING, DESIGNING, CONSTRUCTING, FUNDING AND MAINTAINING STORMWATER MANAGEMENT, SEDIMENT CONTROL AND FLOOD CONTROL PROGRAMS, PROJECTS AND FACILITIES; AND REVIEWING AND APPROVING STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLANS FOR LAND DISTURBING ACTIVITIES; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.”**

BILL NO. 11-29, an ordinance providing for the allocation of revenues generated by the Berkeley/Williamsburg Joint Industrial and Business Park; repealing Ordinance No. 96-1-2, as amended, in its entirety; repealing any resolutions pertaining to the allocation of revenues generated by the Joint Industrial and Business Park in their entirety; and other matters related thereto.

Ms. Ewing: “Mr. Chairman, that’s the one that we don’t need.”

Chairman Daniel Davis: “Oh, this is the one that we don’t need? Ok.”

RESOLUTIONS:

“RESOLUTION TO COMMEND THE SERVICE OF **BARBARA B. AUSTIN AS CLERK TO COUNCIL AND TO EXPRESS APPRECIATION FOR HER SERVICE TO BERKELEY COUNTY.**

WHEREAS, BARBARA B. AUSTIN SERVED AS CLERK TO COUNTY COUNCIL FROM JANUARY 14, 1998 TO JUNE 29, 2011; AND

WHEREAS, DURING HER TENURE AS CLERK TO COUNTY COUNCIL, SHE DEMONSTRATED EXCELLENCE IN PUBLIC SERVICE AND HER DILIGENT WORK GREATLY BENEFITED THE CITIZENS OF BERKELEY COUNTY; AND

WHEREAS, DURING HER TENURE AS CLERK TO COUNTY COUNCIL, SHE SERVED THE SOUTH CAROLINA ASSOCIATION OF COUNTY CLERKS TO COUNCIL IN VARIOUS LEADERSHIP CAPACITIES, INCLUDING SECRETARY, VICE PRESIDENT AND PRESIDENT, AND CHAIRED THE COMMITTEE THAT REWROTE AND RESTRUCTURED THE CONSTITUTION AND BY-LAWS OF THE ASSOCIATION; AND

WHEREAS, BARBARA B. AUSTIN WAS THE FIRST CLERK IN THE STATE OF SOUTH CAROLINA TO ATTAIN CLERK TO COUNTY CERTIFICATION; AND

WHEREAS, BERKELEY COUNTY COUNCIL WISHES TO EXPRESS ITS APPRECIATION TO BARBARA B. AUSTIN FOR HER COMMITMENT TO SERVING THE COUNTY.

NOW, THEREFORE, BE IT RESOLVED THAT BERKELEY COUNTY COUNCIL HEREBY COMMENDS THE SERVICE OF BARBARA B. AUSTIN AS CLERK TO COUNTY COUNCIL AND EXPRESSES IT GREAT APPRECIATION FOR HER DEDICATED SERVICE TO BERKELEY COUNTY.

ADOPTED THIS 25TH DAY OF JULY, 2011.”

It was moved by Council Member Farley and seconded by Council Member Fish to approve the resolution commending Barbara B. Austin’s service as Clerk to County Council.

Chairman Daniel Davis: “Any discussion?”

Council Member Steve Davis: “I’d just like to state at this time that I think this resolution is well placed, and I’m hardened in reference to some negativity in reference I read in the paper. I just had an emergency situation that dictated that I couldn’t be here for my previous County Council Meeting, but I want to thank all the Members of my Committee who saw fit to entertain me from Aiken, South Carolina by way of telephone for us to have this resolution placed tonight. Also, I want to thank each and every Member of County Council who seemed it appropriate to contribute in some small way some gift that we expect and shall extend to her. Ms. Austin has been an awesome clerk. I think it’s going to be very, very hard to replace her, and I will say in my tenure, I cannot think of any way possible that I would allow any abusive behavior toward her. I think that she welcomes this opportunity that she stepped into, and I want to thank each member of County Council for this resolution. It is just so small in relationship to the great deed of service she has provided to our County. Again, I say thank you on behalf of Ms. Austin.”

Chairman Daniel Davis: “Ok.”

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “I’d like to go ahead and evolve with Mr. Davis on that. I think she was a tremendous asset to this County. She was highly looked up by her peers statewide, and I also agree with Mr. Davis on that. I think the *Post and Courier* did a disservice. I think you guys are disgraceful the way that you try to stir up garbage and that, and you need to be ashamed of yourselves.”

Chairman Daniel Davis: “Ok; anything else?”

Council Member Call: “Mr. Chairman? I was hoping Ms. Austin would be here. I met Ms. Austin about 20 years ago when she was a clerk to the magistrate in Hanahan. She was going through a very, very difficult time in her life with her husband, whom she ultimately lost. They had a change of magistrate’s down there, and she became the assistant to Magistrate Danny Pieper. She had a wealth of knowledge of how that office operated and Judge Pieper would probably agree with me. He was as green as a gourd. He was less than 30 years old, I think, and she was a tremendous help to him. I think he would tell you that she has probably been more help to him than anybody else in his career, and certainly, a bright young man. He moved from there up to Master-in-Equity, I believe, from there to the Circuit Court, and from there, he’s now on the South Carolina Court of Appeals. And, from time to time, the Chief Justice of South Carolina appoints him to special service on the Supreme Court. That’s how much respect she has for him. I think a lot of it goes back to the days that he and Ms. Austin worked together, and she helped him succeed and, hopefully, someday, we’ll live long enough to see him on the Supreme Court. I would have to say this about Ms. Austin. I think it’s addressed in this resolution. She’s really the dean of clerks to council in South Carolina. I don’t know of any clerk in South Carolina that didn’t look up to her. One of our employees said they had worked under the, I believe they described her as the gold standard of clerks to council. I have worked under people like that. They took me under their wing, and I was their protégée, and I benefited greatly later on in my life. So, to Ms. Austin, after a 20-year friendship with her and her family, her son, I know well. She has expressed – she is already several years passed when she wanted to retire. She wanted to retire and spend time with her grandchildren, and I think that happened about six years ago. I certainly wish her well. It’s gonna be hard to fill her shoes, but I do regret seeing her go. I sincerely do regret seeing her go. Thank you, Mr. Chairman.”

Chairman Daniel Davis: “Thank you, Mr. Call.”

There was no further discussion.

The motion passed by unanimous voice vote of Council.

“RESOLUTION APPROVING A THIRD AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN MWV-PARKS OF BERKELEY, LLC, AND BERKELEY COUNTY, DATED APRIL 3, 2006 AND RECORDED IN THE BERKELEY COUNTY REGISTER OF DEEDS ON APRIL 21, 2006 IN VOLUME 5549, AT PAGE 2, PURSUANT TO THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT AND BERKELEY COUNTY ORDINANCE 97-01-02, AS AMENDED, AND AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE SAID THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT.”

It was moved by Council Member Steve Davis and seconded by Council Member Callanan to **approve** the resolution approving a third amendment to that development agreement by and between MWV-Parks of Berkeley, LLC, and Berkeley County. The motion passed by unanimous voice vote of Council.

“RESOLUTION AMENDING SECTION IV OF PART SIX OF THE BERKELEY COUNTY PERSONNEL MANUAL RELATING TO RETIREMENT AND RETIREE BENEFITS.”

It was moved by Council Member Steve Davis and seconded by Council Member Fish to **approve** the resolution amending Section IV of Part Six of the Berkeley County Personnel Manual relating to retirement and retiree benefits. The motion passed by unanimous voice vote of Council.

“RESOLUTION TO PROVIDE MATCHING FUNDS FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR THE ST. STEPHEN LIBRARY.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurilknight to **approve** the resolution providing matching funds for a Community Development Block Grant Application for ht St. Stephen Library. The motion passed by unanimous voice vote of Council.

Without objection from Council, Chairman Daniel Davis asked for approval of the following resolution:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2011-2012 BUDGET FOR BERKELEY COUNTY FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to **approve** the resolution providing for a transfer of funds appropriated in the 2011-2012 budget for Berkeley County.

Chairman Daniel Davis: “Any discussion?”

Council Member Steve Davis: "Yeah, tell us what it is."

[Laughter]

Chairman Daniel Davis: "We were."

Ms. Kace Smith, Deputy Supervisor and Finance Director: "That's to budget the items that you all voted on earlier this evening – the Library grants and the Pooled Fire Fees."

Council Member Steve Davis: "Ok."

Ms. Smith: "Oh, yes; and also the other item is the transparency amount that you budgeted, \$5,672.00 from Contingency."

The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES:

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: "Mr. Chairman, the Committee on Finance met earlier this night, and all the matters have been addressed on this night's agenda."

a. Transparency Committee Recommendation

Chairman Schurlknight: "On recommendation of the Committee, I move to **approve** the purchase of the two-pan and tilt zoom cameras, necessary operating pieces and a recording mechanism, as recommended from Home Telephone. The amount is not to exceed \$5,672.00 to come from Contingency. (No second required.)"

The motion passed by unanimous voice vote of Council.

b. Property for Hanahan Library

Chairman Schurlknight: "Also, on recommendation of the Committee, I move to **approve** the authority for the Supervisor to negotiate the property for the Hanahan Library." (No second required.)

The motion passed by majority voice vote of Council. Council Member Fish voted, "Nay."

(That concluded Chairman Schurlknight's report.)

Committee on Land Use
Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Land Use Committee met on July 11, 2011, and all matters before the Committee have been addressed on that night’s agenda.”

(That concluded Chairman Farley’s report.)

Committee on Public Works and Purchasing
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: “Mr. Chairman, the Committee on Public Works and Purchasing met on July 11, 2011, and many of the matters were addressed on that night’s agenda.”

a. Purchase of Soil Compactor

Chairman Pinckney: “On recommendation of the Committee, I move to **approve** the purchase of a soil compactor from Hill’s Machinery Company, in the amount of \$64,177.65.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Purchase of Ambulance

Chairman Pinckney: “Also, on recommendation of the Committee, I move to **approve** the purchase of an ambulance from Custom Truck and Body Works, in the amount of \$118,536.00.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney’s report.)

Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met on July 11th and July 18th and earlier this night, and many of the matters before the Committee have been addressed.”

a. Acceptance of the 2011 Edward Byrne Memorial Justice Assistance Grant

Chairman Steve Davis: “On recommendation of the Committee, I move to **accept** the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG), with no matching funds required.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Transfer of Pool Fire Fees

Pineville/Russellville Fire Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the transfer of \$3,843.35 to the Pineville/Russellville Fire Department for reimbursement for pump repairs.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Pine Ridge Fire Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the transfer of \$6,100.00 to the Pine Ridge Fire Department for fifteen (15) pagers.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Macedonia Fire Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the transfer of \$13,600.00 to the Macedonia Fire Department for a pump motor (on a fire truck, versus the original request to replace air conditioning).” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Whitesville Fire Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the transfer of \$26,681.40 to the Whitesville Fire Department for bunker gear.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Caromi Fire Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the transfer of \$5,564.16 to the Caromi Fire Department for fire hose.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis' report.)

Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: "Mr. Chairman, the Committee on Water and Sanitation met earlier this night, and I have a little conflict in my report here. Did we handle the matter regarding the Charleston Commissioner of Public Works Service Area Contract and authorization?"

Chairman Daniel Davis: "We did."

Council Member Steve Davis: "Yes, we made a motion."

Chairman Call: "Ok; we did handle that, so all matters in my Committee have been addressed. Thank you, Mr. Chairman."

Ms. Ewing: "I am sorry, Mr. Call. I misunderstood your question. We have not handled it at the Council level. We handled it at the Committee level. I apologize for that."

Charleston Public Works Service Area Contract

Chairman Call: "Ok; on recommendation of the Committee, I move to **approve the authorization of the County Supervisor to conduct negotiations with the Charleston of Public Works regarding a service area contract and authorization of the County Supervisor to execute the contract.**" *(No second required.)*

Chairman Daniel Davis: "We have a motion. Is there any discussion?"

Council Member Fish: "How about discussion?"

Chairman Daniel Davis: "Sure, go ahead."

Council Member Fish: "Mr. Chairman, I want to go on record objecting to that. Number One, in 2005, we raised \$6,000,000 on a bond to buy that CPW water system, which covers my area in Tall Pines and College Park. I think, to have CPW to hold it against us is just outrageous on our part. When we as a Council can prove a two-and-one-half million dollar water line on 311 serving 10 people – no chance of being paid back, were to come up – and also an issue is with this money is where's the \$6,000,000 we raised on the bond? I recommend that we would pay that back, and pay the bond down. We've been informed by Counsel we can't do that, so that means another goody project somewhere. I just go on objection. I think it's uncomfortable, and I would ask this Council to please disapprove this resolution."

Ms. Ewing: "Mr. Chairman?"

Chairman Daniel Davis: "Yes."

Ms. Ewing: “And just so that the record is complete from the Committee. That was for a 12-year term for the service area, comprising of College Park and Tall Pines, in an amount not less than \$130,000 per year.”

Chairman Daniel Davis: “Ok; thank you.”

The motion passed by majority voice vote of Council. Council Members Cathy Davis and Fish voted, “Nay.”

(That concluded Chairman Call’s report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: “The Committee on Planning and Development met earlier this night, and all items have been addressed on this night’s agenda.”

(That concluded Chairman Cathy Davis’ report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: “Yes, Mr. Chairman; the Committee on Community Services met on July 11, 2011, and earlier this night. Many of the matters have been addressed.”

LSTA Grant for Mobile Literacy Mobile

Chairman Callanan: “On recommendation of the Committee, I move to **approve the Library Services and Technology Act Grant for a mobile literacy (book) mobile.**” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Ms. Ewing: “Mr. Chairman, I believe there was another grant that needed to be reported out?”

Chairman Callanan: “Oh, yeah; what’s the a...”

Chairman Daniel Davis: “Donna, do you have that?”

Chairman Callanan: “Donna, can you give me the details of it, and I’ll report it out.”

Ms. Ewing: “It was \$1,500.00 from the Grand Family Resource Center to be used for a resource center for grandparents.”

Grand Family Resource Center

Mr. Callanan: “On recommendation of the Committee, I move to **approve** a \$1,500.00 grant from the Grand Family Resource Center.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan’s report.)

Committee on Human Services

Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “Mr. Chairman, the Committee on Human Services met on July 11, 2011. Ms. Leah Polk from Ernest E. Kennedy Center gave a presentation regarding a Community Action for a Safer Tomorrow with a (CAST) Grant. No action was taken.”

(That concluded Chairman Fish’s report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis: “We now have an opportunity for membership appointments to boards and commissions, and I think we had three for the Library Board. Is that correct – Dr. Patricia Richards, Mrs. Sandra Decker and Ms. Cassandra Rogers?”

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Yes, Sir.”

Council Member Callanan: “You know, I have a question on these, because it was my understanding they served concurrent with the Council Member’s term, and there is a question as to – I think, when I submitted this, they said that their four-year terms, which would mean if I chose not to run next year, this person would extend into my term. So, my question on these, is I think some of these are not this June. I thought they expire at the December of 2012, not June of 2011.”

Chairman Daniel Davis: “Well, I honestly don’t know. Donna, can you shed some light on that?”

Council Member Farley: “Unless they resign. That’s the only thing.”

Ms. Donna Osborne, Library Director: “Ms. Decker has served on the Library Board for 20-something years. So, they may have been concurrent when they first started serving. Then, we have had resignations and re-appointments, so that’s why those years don’t coincide.”

Council Member Callanan: “I just want to make sure that we’re doing this legally.”

Ms. Osborne: “Oh, yes.”

Council Member Callanan: “That’s my big question. Does it in fact – so, are we saying that the term does not run concurrent with a Council Member’s term anymore?”

Ms. Ewing: “I would need to research that, Mr. Callanan. Is there an urgent reason that we need to appoint them tonight, or could we hold that off until August?”

Council Member Callanan: “No, they serve until...”

Chairman Daniel Davis: “They serve until...”

Council Member Callanan: “Until they are replaced.”

Ms. Ewing: “So, can we hold that off until August?”

Council Member Callanan: “I just don’t want to replace somebody for four more years, and I only serve a year.”

Ms. Ewing: “Normally, what occurs – and again, I haven’t researched the Library Board, specifically, but if you appoint someone mid-term, mid-point of your term, then they would only serve until your term is over, so...”

Council Member Callanan: “Correct, which means that these people should be serving until December of next year.”

Ms. Ewing: “Is that when your term is over?”

Council Member Callanan: “So.”

Ms. Ewing: “Yeah, so they would only serve until your term is over.”

Council Member Callanan: “And, that’s my point is that they would not have expired, and that’s my only question.”

Ms. Ewing: “It depends on if they are filling a term that should have started at the beginning of your term or if they are, in fact, this is a brand new term for them. And, that’s what we would need to determine. Normally, their terms run concurrently with you. A lot of times what happens is people are in a holdover situation, and they can be in a holdover situation for two years, say, through your mid-point.”

Council Member Callanan: “But, then they just serve to the end of the term. It’s not a full term.”

Ms. Ewing: “They serve til the end of the term. So, that’s what we need to determine is where we are at and the Library Board process, and if that language, that general language about serving concurrently applies to the Library Board as it does to the other commissions. So, if we could hold off until August, I can get with the Clerk of Council and do a little research and let you know where they are in their terms and what’s going on.”

Council Member Callanan: “Right; I mean, I can approve them, but their expiration would be December of 2012, and not anywhere beyond that. That’s the only point I bring up, because when I had asked about this, they said it would actually be a four-year term, which is my concern.”

Chairman Daniel Davis: “I just recommend we hold those until the next meeting. We’ll get some better information. Ok, are there any others?”

Council Member Cathy Davis: “Yes, Mr. Chairman?”

Chairman Daniel Davis: “Yes, Mrs. Davis.”

Council Member Cathy Davis: “I would like to re-appoint Mr. Harold Green, Sangaree Special Tax District.”

Chairman Daniel Davis: “Ok; any others?”

There were no further recommendations for nominations.

It was moved by Council Member Callanan and seconded by Council Member Fish to approve the nomination of Mr. Harold Green for re-appointment to the Sangaree Special Tax District Advisory Board. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS

Chairman Daniel Davis: “Under New Business, this is an item we discussed earlier regarding the desire by Seaside Utilities and Richie Auction to use the Fairgrounds for a heavy equipment auction. They have offered to rent the property at no expense to us. We won’t have anything to do with it for \$10,000.00, and I’d also like the recommendation – as I discussed with you earlier, Santee Cooper is having a light show at Stoney Landing Park, and it just so happens that the amount of money they are looking for us is \$10,000.00. And, I’d like to have Council’s approval to contribute that to that light show.”

Council Member Steve Davis: I move to **approve** authorization for the Supervisor to engage into the rental agreement for the heavy equipment display and auction and also for the funds derived there from to be used for the Santee Cooper Light Display at Stoney Landing Park.

Council Member Callanan: “Can we do these separately?”

Chairman Daniel Davis: “We can. That was just a recommendation that I made.”

Council Member Schurlknight: “Second.”

Council Member Callanan: “Guess not.”

The motion passed by majority voice vote of Council. Council Member Callanan voted, “Nay.”

ANNOUNCEMENTS

The August 2011 Regular Meeting of Berkeley County Council will be held on Monday, August 22, 2011, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

Chairman Daniel Davis: “Tomorrow night, we will have a Redistricting Meeting. I’m sure everyone is very familiar this is going on everywhere, and County Council’s got to create – we’ve got to reapportion the County Council Districts, and we will have Bobby Bowers here, the state’s Demographer, and he’ll be leading the discussion. That’s at 6:00 p.m., in the conference room.

ADJOURNMENT

It was moved by Council Member Pinckney and seconded by Council Member Farley to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:55 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

S/Catherine Windham
Interim Clerk of Council

August 22, 2011
Date Approved